

REMARKS

This is intended as a full and complete response to the Restriction Action dated January 29, 2008, having a shortened statutory period for response set to expire on February 29, 2008. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-18 and 21-34 are pending in the application. Claims 1-18 and 21-34 remain pending following entry of this response. Claim 17 has been amended.

Claims 1-18 and 21-34 stand restricted under 35 U.S.C. 121 as follows:

- I. Claims 1-16 and 21-34. Claims 1-16 and 21-33 are drawn to a charge particle system, classified in class 359; subclass 619. Claim 34 is being grouped together with claims 1-16 and 21-33 because it could be searched together with these claims without creating an undue burden on the examiner.
- II. Claims 17-18, drawn to a method for manufacturing a lens system, classified in class 359, subclass 618.

The Examiner states that:

“The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case with respect to claims 1-16 of group I and group II, the method as claimed can be practice with another materially different product such as a charged particle system that does not require a magnetic flux, and one that

does not require each lens module to constitute a component. With respect to claims 21-33 of group I and group II the method as claimed can be practiced with another and materially different product such as a charged particle system that does not require a magnetic flux and/or that does not require two openings arranged to form a lens row and the pole piece having an elongated shape.”

Applicant elects, with traverse, the claims of Group I (claims 1-16 and 21-34) for examination.

Applicant has amended claim 17 include limitations of claim 1, from Group I. Applicant respectfully submits that the restriction requirement of claim 17 is not proper under 806.05(f) in view of the amendment to claim 17, as Claim 17 now recites a method for manufacturing a lens system “... having ... at least one excitation coil providing a magnetic flux” which is the product claimed in claim 1. Applicant also respectfully submits that examination of claim 17 along with the elected claim set should not cause an undo burden on the Examiner.

To the extent that this restriction requirement is maintained by the Examiner, Applicants reserve the right to subsequently file one or more divisional or continuation applications in order to prosecute the non-elected groups of claims.

As such, and because of the above traversal, Applicants respectfully submit that the Right of Petition under 37 C.F.R. § 1.144 has been preserved.

Conclusion

Having addressed all issues set out in the Restriction Requirement, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Randol W. Read, Reg. No. 43,876/

Randol W. Read
Registration No. 43,876
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicants